

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|                                 |   |                          |
|---------------------------------|---|--------------------------|
| STACY S.; and JOHN and MARY     | ) |                          |
| ELLEN S., on behalf of their    | ) | Civil Action No. 04-150E |
| daughter, LEIGH ANN S., a minor | ) |                          |
|                                 | ) |                          |
| Plaintiff,                      | ) | Jury Trial Demanded      |
|                                 | ) |                          |
| v.                              | ) |                          |
|                                 | ) |                          |
| GIRARD SCHOOL DISTRICT;         | ) |                          |
| ROBERT SNYDER, Individually     | ) |                          |
| and in his capacity as          | ) |                          |
| Principal of the Rice Avenue    | ) |                          |
| Middle School; and GREGORY      | ) |                          |
| YARBENET, a professional        | ) |                          |
| employee of the Girard School   | ) |                          |
| District,                       | ) |                          |
| Defendants.                     | ) |                          |

**PLAINTIFFS' MOTION FOR AN ORDER OF HABEAS CORPUS AD TESTIFICANDUM**  
**DIRECTING THE COMMONWEALTH OF PENNSYLVANIA TO PRODUCE**  
**THE PRISONER GREGORY YARBENET FOR A DEPOSITION**

1. This is the Motion of Plaintiffs.

2. Plaintiffs have scheduled the deposition of the Defendant Gregory Yarbenet. Yarbenet is incarcerated at SCI Greensburg. Yarbenet's inmate number is FK 0083. His deposition has been scheduled for July 25, 2005.

3. The Commonwealth has advised the Plaintiffs that the prison does not have facilities to accommodate the deposition, if the Plaintiffs desire to attend the deposition.

4. The Plaintiffs have decided that they intend to attend the

deposition.

5. The Plaintiffs request this Court issue an Order directing the Commonwealth of Pennsylvania Department of Corrections to release the Sheriff of Westmoreland County on July 25, 2005, at 8:00 a.m., so that the Sheriff of Westmoreland County can delivery Yarbenet to the Westmoreland County Courthouse.

6. The Plaintiffs have secured a facility at the Westmoreland County Courthouse which the deposition can occur. The deposition is scheduled to occur at 9:00 a.m. on July 25, 2005.

7. Plaintiffs further request this Court direct the Sheriff of Westmoreland County to transport Gregory Yarbenet from the facility SCI Greensburg to the Westmoreland County Courthouse, Courtroom 2, and have Yarbenet present at the Courtroom by 9:00 a.m. on July 25, 2005, and to transport Yarbenet at the conclusion of the deposition back to SCI Greensburg.

8. Plaintiffs have discussed this matter with Counsel for the Commonwealth, and Yarbenet can be transported to the Westmoreland County Courthouse for his deposition.

9. Since Yarbenet is a party, the taking of his deposition is crucial.

WHEREFORE, Plaintiffs request an Order directing the Commonwealth to produce Gregory Yarbenet to the Westmoreland County Sheriff for transportation to the Westmoreland County Courthouse, July 25, 2005, 9:00 a.m.

Respectfully submitted,

/s/ Edward A. Olds  
Edward A. Olds, Esquire  
Pa. I.D. No. 23601  
Carolyn Spicer Russ, Esquire  
Pa. I.D. No. 36232  
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*Attorneys for Plaintiffs*

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| District,                       | ) |                          |
| Defendants.                     | ) |                          |

**ORDER OF COURT**

IN ERIE, this the \_\_\_\_\_ day of \_\_\_\_\_, 2005,  
upon consideration of the foregoing, it is hereby Ordered that the  
Commonwealth of Pennsylvania, Department of Corrections, shall  
release custody of the prisoner Gregory Yarbenet, inmate number  
FK 0083, to the Westmoreland County Sheriff for transportation to  
his deposition to occur on July 25, 2005, 9:00 a.m., at the  
Westmoreland County Courthouse, Room 2. At the conclusion of the  
deposition the Westmoreland County Sheriff shall return custody of  
Yarbenet to the State Correctional Institute.

\_\_\_\_\_  
U.S. District Judge

**CERTIFICATE OF SERVICE**

I, Edward A. Olds, hereby certify that a true and correct copy of the foregoing was served upon the following by United States First Class Mail, Postage Prepaid.

Edward J. Betza, Esquire  
150 East Eighth Street  
Erie, PA 16501

Richard A. Lanzillo, Esquire  
KNOX McLAUGHLIN GORNALL & SENNETT, P.C.  
120 West Tenth Street  
Erie, PA 16501

Date: July 5, 2005

/s/ Edward A. Olds  
Edward A. Olds, Esquire